

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAMONT TOBY,

Plaintiff,

v.

VALHALLA JAIL INDUSTRIES, *et al.*,

Defendants.

Case No. C07-5196FDB


ORDER ADOPTING REPORT AND
RECOMMENDATION

The Magistrate Judge recommends that this cause of action, filed along with a petition to proceed *in forma pauperis* be dismissed as frivolous because Plaintiff fails to state a cognizable Section 1983 constitutional claim. The Court having considered the Report and Recommendation, and having reviewed the record herein, and noting that no objections have been filed, concludes that this cause of action must be dismissed as frivolous.

ACCORDINGLY, IT IS ORDERED:

1. The Court adopts the Report and Recommendation;
2. This cause of action is **DISMISSED** as frivolous;
3. A copy of this order shall be sent to the parties of record and to Magistrate Judge J. Kelley Arnold.

DATED this 11th day of June, 2007.


FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE